REMARKS

The present Amendment amends claims 3 and 4 and leaves claims 1, 2 and 5-10 unchanged. Therefore, the present application has pending claims 1-10.

Claims 3 and 4 stand rejected under 35 USC §101 as being directed to data stored on a disk not an invention under one of the accepted classes of inventions. Various amendments were made to claims 3 and 4 to bring them into conformity with the requirements of 35 USC §101. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Particularly, amendments were made to claims 3 and 4 to cause said claims to be directed to one of the permitted statutorily defined classes of inventions. Specifically the claims were amended to be directed to an article of manufacture, namely a storage medium having stored thereon a program which when executed causes a computer to perform various steps.

Thus, claims 3 and 4 as now amended are directed to a class of invention as permitted under 35 USC §101. Therefore, this rejection is overcome and should be withdrawn.

Applicants acknowledge the Examiner's indication of allowance of claims 1, 2 and 5-10 in paragraph 3 of the Office Action.

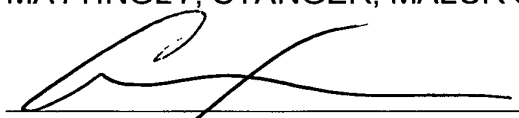
Applicants submit that claims 3 and 4 are now allowable since they have been amended to overcome the rejection under 35 USC §101 and since said claims have not been rejected based on prior art. Therefore, claims 3 and 4 are allowable over the prior art of record same as claims 1, 2 and 5-10.

In view of the foregoing amendments and remarks, applicants submit that claims 1-10 are in condition for allowance. Accordingly, early allowance of claims 1-10 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.39896X00).

Respectfully submitted,

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